

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Maple Hills Phase 1 and 2 Subdivision First Amendment to the Development Agreement

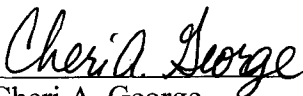
**SUMMARY:** A Resolution authorizing the Mayor to sign the First Amendment to Development Agreement with Maple Hills Holdings LLC, a Limited Liability Company for the Maple Hills Phase 1A, 1B and 2 Subdivision.

**FISCAL  
IMPACT:** None.

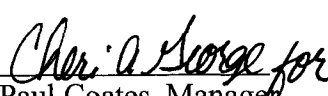
**STAFF RECOMMENDATION:**  
Staff recommends that City Council approve the agreement as prepared.

**MOTION RECOMMENDED:**  
I move we approve Resolution 14-43 authorizing the Mayor to sign the First Amendment to Development Agreement between the City of West Jordan and Maple Hills Holdings, LLC, a Limited Liability Company.

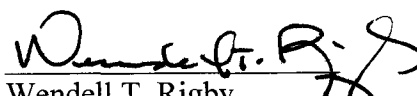
**Prepared by:**

  
Cheri A. George  
Dev. Coordinator


**Reviewed by:**

  
Paul Coates, Manager  
ODA


**Reviewed by:**

  
Wendell T. Rigby  
Public Works Director

**Reviewed as to legal form:**

  
Jeff Robinson  
City Attorney

**Recommended by:**

  
Richard L. Davis  
City Manager

## BACKGROUND DISCUSSION:

On August 14, 2013, City Council approved a Development Agreement (Agreement) between The City of West Jordan (City), Urban Chase Property Management LLC, a Utah Limited Liability Company and Maple Hills Holdings LLC, a Utah Limited Liability Company (Developer) for the Maple Hills Subdivision Phase 1 and 2. The existing Agreement contemplates that the Maple Hills Subdivision is a two phase development. The developer desires to change the phasing and make it a three phase development dividing the former Phase 1 into Phase 1A and Phase 1B. The phasing change would require an amendment to: (a) change the number of phases from two to three; (b) require recordation and construction of the phases in a specific order; and (c) require a deposit with Phase 1A to redistribute responsibility for master planned improvements to three phases instead of two phases.

Based on number of lots, the proposed amendment states that Phase 1A and Phase 1B are each responsible for a pro-rated portion of the Master Planned Improvements included in the former Phase 1. The amendment also includes the estimated cost of construction of the Master Planned Improvements. To offset the uneven distribution between Phase 1A and 1B, the amendment requires a deposit prior to recording the Phase 1A plat.

This amendment, if approved, will address the obligations of the Developer and the City by:

Deleting Section 2.1.1 to be replaced by:

*The Maples Hills Subdivision will consist of three subdivision phases as shown in the attached **Exhibit B-1** (each a “Phase,” and collectively, the “Phases”). The final plat for each Phase (each a “Final Plat,” and collectively, the “Final Plats”) shall be recorded and construction shall be performed in the following sequence: Phase 1A first, Phase 1B second and Phase 2 last. The Parties and recorded concurrently.*

Amending Section 2.1.3 to include the following sentence after the word “applicable Final Plats therefore.”:

*Developer or the purchasers of lots within a Phase may obtain building permits for an individual lot before the City accepts the Public Improvements or Master Plan Improvements so long as Developer has recorded a plat for the Phase and posted the required improvement assurance with the City.*

Amending Section 2.1.4(A) to delete the sentence beginning with the words “The Master Planned Improvements shall” and ending with “included within, such phase.”, which sentence is replaced with the following:

*The City consents to Developer installing the Master Planned Improvements associated with 7800 South Street in connection with the improvement of Phase 1A. All Master Planned Improvements for 6400 West Street from the Phase 2/ Phase 1B boundary line south shall be installed in connection with the improvement of Phase 1B. The remaining 6400 West improvements shall be installed in connection with the improvement of Phase 2, as depicted on the attached Exhibit B-1.*

The Amendment also includes the following exhibits: Exhibit A, a legal description that is required for recording; Exhibit B showing the new phasing; and Exhibit C showing the calculation of the deposit required for Phase 1A. The exhibits do not replace or amend exhibits in the original Agreement.

**THE CITY OF WEST JORDAN, UTAH**  
A Municipal Corporation

RESOLUTION NO. 14-43

**A RESOLUTION AUTHORIZING THE EXECUTION BY THE MAYOR OF A  
DEVELOPMENT AGREEMENT AMENDMENT WITH MAPLE HILLS HOLDINGS,  
LLC FOR THE MAPLE HILLS SUBDIVISION**

Whereas, the City Council of the City of West Jordan has reviewed the First Amendment to Development Agreement between the City of West Jordan and Maple Hills Holdings, LLC; and

Whereas, the City Council of the City of West Jordan desires that the First Amendment to Development Agreement be executed by the Mayor; and

Whereas, the Mayor is authorized to execute the First Amendment.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF WEST JORDAN, UTAH, THAT:

Section 1. After approval as to legal form by the West Jordan City Attorney, the Mayor is hereby authorized and directed to execute the First Amendment to Development Agreement for the Maple Hills Subdivision with Maple Hills Holdings, LLC.

Section 2. This Resolution shall take effect immediately upon passage.

Adopted by the City Council of West Jordan, Utah, this 12<sup>th</sup> day of March, 2014.

CITY OF WEST JORDAN

By: \_\_\_\_\_  
Mayor Kim V. Rolfe

ATTEST:

\_\_\_\_\_  
Melanie S. Briggs, City Clerk/Recorder

Voting by the City Council

“AYE”

“NAY”

*Res. 14-43*

Jeff Haaga

\_\_\_\_\_

\_\_\_\_\_

Judy Hansen

\_\_\_\_\_

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Chris McConnehey

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Chad Nichols

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Ben Southworth

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Justin D. Stoker

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Mayor Kim V. Rolfe

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**RECORDING REQUESTED BY:**

City of West Jordan  
Attention: City Clerk  
8000 South Redwood Road  
West Jordan, UT 84088

**FIRST AMENDMENT  
TO DEVELOPMENT AGREEMENT**

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT, MAPLE HILLS SUBDIVISION (the "**Amendment**") is made and entered into as of March 12, 2014 (the "**Amendment Date**") by and between **THE CITY OF WEST JORDAN**, a municipality and political subdivision of the State of Utah ("**City**") and **MAPLE HILLS HOLDINGS, LLC**, a Utah limited liability company (the "**Developer**"). City and Developer may be referred to herein collectively as the "**Parties**."

**RECITALS**

A. Developer and the City entered into a Development Agreement entitled "*Development Agreement Maple Hills Subdivision*" dated August 15, 2013 and recorded with the Salt Lake County Recorder as Entry No. 11711048 on August 23, 2013 (the "**DA**").

B. Other than the Parties hereto, the DA included two signatories, Urban Chase and East Maples, as to discrete obligations as more fully set forth therein. Nothing in this Amendment is to affect the obligations of those signatories.

C. The DA and this Amendment apply to real property more particularly described on the attached **Exhibit A**, which legal description is the same as the Exhibit A attached to the recorded DA.

D. The Parties desire by this Amendment to authorize a third phase in the development and to confirm the allocation of Master Planned Improvements responsibility to the three phases.

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Developer agree as follows:

1. **Incorporation/Interpretation.** All of the terms of the DA are incorporated into this Amendment, except as revised below. In the event of a conflict between the DA and this Amendment, this Amendment shall control. Capitalized terms in this Amendment shall have the same meaning given in the DA, except if there is a conflict this Amendment's definition will control. The Parties acknowledge the truth and accuracy of the above recitals and incorporate the same herein by this reference.

2. **Amendment of Section 2.1.1.** Exhibit B and Section 2.1.1 of the Agreement are stricken in their entirety and replaced with the following:

*2.1.1 Phased Development. The Maples Hills Subdivision will consist of three subdivision phases as shown in the attached **Exhibit B-1** (each a "**Phase**," and collectively, the "**Phases**"). The final plat for each Phase (each a "**Final Plat**," and collectively, the "**Final Plats**") shall be recorded and construction shall be performed in the following sequence: Phase 1A first, Phase 1B second and Phase 2 last. The Parties understand and agree that the City will not accept, approve or allow recording of the Final Plats out of sequence, but multiple sequential Phases may be accepted, approved and recorded concurrently.*

3. Amendment to Section 2.1.3. Section 2.1.3 (A) is amended to include the following sentence after the words “applicable Final Plats therefore.”:

*Developer or the purchaser of a lot within a Phase may obtain a building permit for an individual lot before the City accepts the Public Improvements or Master Plan Improvements so long as the following requirements are met: (a) Developer has recorded a plat for the Phase; (b) Developer has posted the required improvement assurance with the City; (c) There is a paved, 20 foot wide, fire apparatus access road designed to carry 80,000 GVW that will allow emergency response access within 150 feet of all portions of the exterior of the structure, and any portion of the access road that is a dead end greater than 150 feet has a turnaround, and all fire lines and hydrants have been installed, tested, approved and operable; and (d) All other requirements for building permit issuance have been met.*

4. Amendment to Section 2.1.4. Section 2.1.4(A) is amended to delete the sentence beginning with the words “The Master Planned Improvements shall” and ending with “included within, such phase.”, which sentence is replaced with the following:

*The City consents to Developer installing the Master Planned Improvements associated with 7800 South Street in connection with the improvement of Phase 1A. All Master Planned Improvements for 6400 West Street from the Phase 2/ Phase 1B boundary line south shall be installed in connection with the improvement of Phase 1B. The remaining 6400 West improvements shall be installed in connection with the improvement of Phase 2, as depicted on the attached Exhibit B-1. Prior to recording the final plat for Phase 1A, Developer shall pay to the City a cash deposit of \$ 276,710.73 as shown in Exhibit C. The improvement assurance for Phase 1B shall be reduced by the amount of the foregoing cash deposit. Within thirty (30) days after acceptance by the City of the improvements for which the cash deposit was posted, the cash deposit shall be paid to the party that posted the improvement assurance for Phase 1B.*

DATED as of the date first above written.

**CITY:**

**CITY OF WEST JORDAN**

**ATTEST:**

\_\_\_\_\_  
Kim V. Rolfe, Mayor

\_\_\_\_\_  
Melanie Briggs, City Clerk

**CITY ACKNOWLEDGMENT**

STATE OF Utah                    )  
  : ss  
COUNTY OF Salt Lake        )

On this \_\_\_\_ day of \_\_\_\_\_, 2014, personally appeared before me, Kim V. Rolfe, who being by me duly sworn did say that he is the Mayor of West Jordan City, a municipality and political subdivision, and that the foregoing instrument was signed in behalf of said West Jordan City by authority.

\_\_\_\_\_  
NOTARY PUBLIC

**MAPLE HILL HOLDINGS, LLC**, a Utah  
limited liability company

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 : ss  
COUNTY OF \_\_\_\_\_ )

NOTARY PUBLIC

**EXHIBIT A**  
**[Legal Description]**

Maple Hills Phase 1 description:

A PARCEL OF LAND SITUATE IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE PROPOSED MAPLE HILLS PHASE 2 SUBDIVISION. SAID POINT OF BEGINNING LIES SOUTH 00°27'53" EAST A DISTANCE OF 938.91 FEET ALONG THE EAST LINE OF THE SAID SOUTHEAST QUARTER OF SECTION 27, FROM THE EAST QUARTER CORNER OF SAID SECTION 27;

AND RUNNING THENCE SOUTH 00°27'53" EAST 1218.45 FEET ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 27 TO THE NORTH RIGHT OF WAY LINE OF 7725 SOUTH STREET PER WEST JORDAN CITY FIRE STATION NO. 55 SUBDIVISION, AS RECORDED PER ENTRY NO. 11005619, BOOK 2010P, PAGE 126 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER; (NOTE: SAID POINT LIES NORTH 00°27'53" WEST A DISTANCE OF 477.95 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 27); THENCE ALONG SAID NORTH RIGHT OF WAY LINE SOUTH 89°32'07" WEST 201.00 FEET; THENCE SOUTH 00°27'53" EAST 60.00 FEET TO THE NORTH LINE OF LOT 1, OF SAID WEST JORDAN CITY FIRE STATION NO. 55 SUBDIVISION, THENCE ALONG SAID NORTH LOT 1 LINE SOUTH 89°32'07" WEST 183.00 FEET TO THE WEST LOT LINE OF SAID LOT 1; THENCE ALONG SAID WEST LOT LINE, AND THE EXTENSION THEREOF SOUTH 00°27'53" EAST 415.56 FEET TO THE SOUTH LINE OF SAID SECTION 27; THENCE ALONG SAID SOUTH LINE SOUTH 89°53'28" WEST 709.35 FEET; THENCE NORTH 00°27'53" WEST 63.00 FEET TO THE SOUTHEAST CORNER OF THE MAPLES AT JORDAN HILLS PHASE 1 SUBDIVISION, AS RECORDED PER ENTRY NO. 8766859, BOOK 2003P, PAGE 238; THENCE ALONG THE EAST LINE OF SAID SUBDIVISION NORTH 00°27'53" WEST 408.15 FEET TO THE NORTH RIGHT OF WAY LINE OF 7735 SOUTH; SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF LAND RECORDED AS ENTRY NO. 8693030, BOOK 8819, PAGE 4329; THENCE ALONG THE EAST BOUNDARY LINE OF SAID PARCEL NORTH 00°27'53" WEST 934.80 FEET TO THE SOUTHEAST CORNER OF LOT 316, PER THE MAPLES AT JORDAN HILLS PHASE 3 SUBDIVISION, RECORDED AS ENTRY NO. 8772912, BOOK 2003P, PAGE 240, THENCE ALONG THE EAST LOT LINE NORTH 00°27'53" WEST 99.25 FEET TO THE SOUTH RIGHT OF WAY LINE OF HAVEN MAPLE DRIVE, 7570 SOUTH STREET, OF THE MAPLES AT JORDAN HILLS PHASE 3, LOT 3111 AMENDED AND EXTENDED SUBDIVISION, RECORDED AS ENTRY NO. 10270707, BOOK 2007P, PAGE 430; THENCE ALONG SAID SUBDIVISION THE FOLLOWING (2) TWO COURSES:

(1) NORTH 89°32'07" EAST 70.00 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF HAVEN MAPLE DRIVE;

(2) NORTH 00°27'53" WEST 184.40 FEET ALONG THE EAST LINE OF SAID SUBDIVISION TO THE SOUTH LINE OF THE PROPOSED MAPLE HILLS PHASE 2 SUBDIVISION; THENCE ALONG SAID SOUTH LINE NORTH 89°32'07" EAST 1023.33 FEET TO THE POINT OF BEGINING

CONTAINS 1,666,008 SQUARE FEET OR 38.246 ACRES.

A-1



Maple Hills Phase 2 description:

A PARCEL OF LAND SITUATE IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE MAPLE HILLS PHASE 3 SUBDIVISION RECORDED AS ENTRY NO. 10393127, BOOK 2008P, PAGE 80 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER. SAID POINT OF BEGINNING LIES SOUTH 00°27'53" EAST A DISTANCE OF 384.55 FEET ALONG THE EAST LINE OF THE SAID SOUTHEAST QUARTER OF SECTION 27, FROM THE EAST QUARTER CORNER OF SAID SECTION 27;

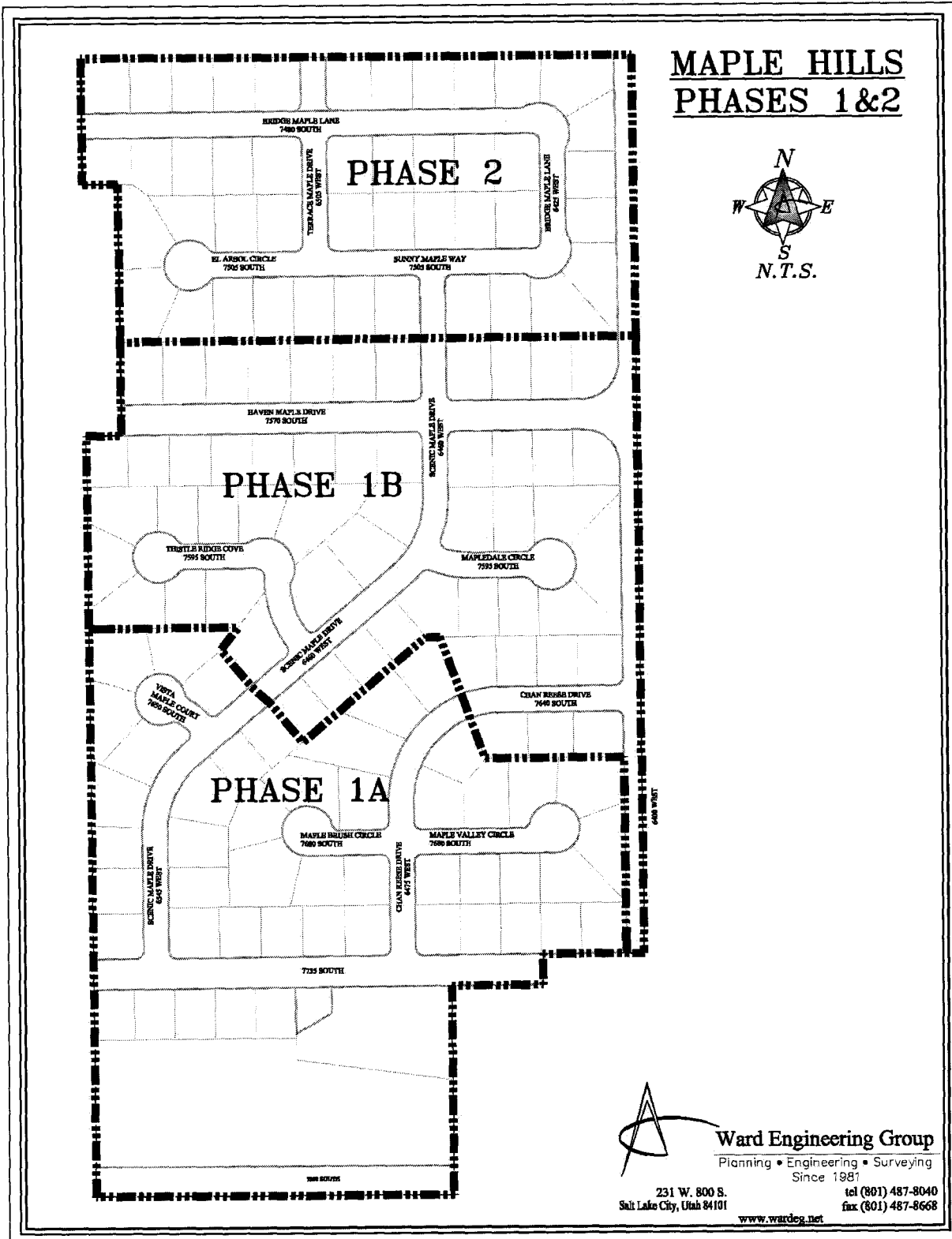
AND RUNNING THENCE SOUTH 00°27'53" EAST 554.36 FEET ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 27 TO THE NORTH LINE OF THE PROPOSED MAPLE HILLS PHASE 1 SUBDIVISION; (NOTE: SAID POINT LIES NORTH 00°27'53" WEST A DISTANCE OF 1,696.40 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 27); THENCE ALONG SAID NORTH SUBDIVISION LINE SOUTH 89°32'07" WEST 1023.33 FEET TO THE EAST LINE OF THE MAPLES AT JORDAN HILLS PHASE 3, LOT 3111 AMENDED AND EXTENDED SUBDIVISION, RECORDED AS ENTRY NO. 10270707, BOOK 2007P, PAGE 430; THENCE ALONG SAID SUBDIVISION THE FOLLOWING (2) TWO COURSES:

(1) NORTH 00°27'53" WEST 311.20 FEET ALONG THE EAST LINE OF SAID SUBDIVISION;  
(2) SOUTH 89°32'07" WEST 70.00 FEET TO THE EAST LINE OF THE MAPLES AT JORDAN HILLS PHASE 3 SUBDIVISION, RECORDED AS ENTRY NO. 8772912, BOOK 2003P, PAGE 240; THENCE ALONG SAID EAST LINE NORTH 00°27'53" WEST 249.00 FEET TO THE SOUTH LINE OF MAPLE HILLS PHASE 3 SUBDIVISION, RECORDED AS ENTRY NO. 10393127, BOOK 2008P, PAGE 80; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SUBDIVISION NORTH 89°50'29" EAST 1,093.34 FEET TO THE POINT OF BEGINNING

CONTAINS 587,503 SQUARE FEET OR 13.487 ACRES.

A-2

**EXHIBIT B**  
**[Depiction of Phase 1A, Phase 1B, and Phase 2]**



## EXHIBIT C

### Maple Hills Phase 1A and 1B Draft Estimate of Deposit

Estimated Value of Required Master Planned Improvements Compared to Constructed Improvements  
(Estimates of Phasing Contributions)

THESE ARE ESTIMATES ONLY TO BE USED FOR ESTIMATING PHASING CONTRIBUTIONS AND NO OTHER PURPOSE

Phase	Number of Lots	Percent Responsibility By number of lots	Value of Improvements Required	Value of Improvements Constructed	Comparison of Value
1A	48	46.60%	\$276,710.73	\$0.00	\$276,710.73 excess to apply to phase 1A
1B	55	53.40%	\$317,064.37	\$593,775.10	-\$276,710.73 shortfall paid from deposit received from phase 1A
<b>Total</b>	103	100.00%	\$593,775.10	\$593,775.10	\$0.00